IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 15 OF 2007
IN
WRIT PETITION NO. 29 OF 2007

NAV-GAURI CO-OPERATIVE HOUSING SOCIETY LTD. REPRESENTED BY THE CHAIRMAN MR. DINESH VAGHELA ... Applicant

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 9 ORS. ... Respondents

Mr. M. B. D'Costa, Senior Advocate with Mr. John Abreu Lobo, Advocate for the Applicant.
Mr. S. S. Kantak, AG with Ms. R. Chodankar, AGA for Respondent nos. 1 to 5.
Mr. Y. V. Nadkarni, Advocate for Respondent no.6.
Mr. S. D. Lotlikar, Senior Advocate with Mr. Ryan Menezes, Advocate for Respondent no.7.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 17th April, 2007

ORAL ORDER

Heard learned Counsel on behalf of the parties at length.

2. The Order dated 26.03.2007 is recalled and the following order is made in Writ Petition No.29/2007:

There is no dispute that as far as the notices dated 21.04.2005, issued by the Panchayat are concerned, as regards the construction carried out by respondent nos. 7 and 8, the same are subject matter of Appeal nos. 85/05 and 86/05, which are pending before the Director of Panchayats. We deem it appropriate to direct the Director of Panchayats to dispose of the same without delay and in any event, on or before 27.06.2007.

3. As far as the change of use of premises is concerned, the petitioner had approached the Registrar of Co-operative Societies and the decision rendered by the Nominee is now in appeal before the Co-operative Tribunal, filed by the petitioner. It appears that the same issue was dealt with by the B.D.O. and then by the Dy. Director of Panchayats, and ending with the decision of this Court dated 12.12.2006, by which the Village Panchayat was directed to issue a conditional NOC pending the decision in the above said Panchayat Appeals.

4. Considering that the issues involved are pending before the above said authorities, we are not inclined to entertain this petition at this stage. The petitioner would be always at liberty to challenge the Orders passed by the said authorities before whom the said appeals are pending, if advised, in accordance with law.

5. With the above observation, the petition is disposed of.

S.A.BOBDE, J.

N. A. BRITTO, J.

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